

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

| | | |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 4:06-cr-23-SEB-VTW-14 |
| |) | |
| JEFFREY DEAN, |) | |
| |) | |
| Defendant. |) | |

REPORT AND RECOMMENDATION

On September 10, 2020, the Court held a Final Revocation Hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 5, 2020 (Docket No. 119). Defendant Jeffrey Dean appeared in person and with his appointed counsel Larry Simon. The government appeared by Lawrence Hilton, Assistant United States Attorney. U. S. Probation appeared by Officer Shallon Alford.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. At the Initial Hearing held on August 18, 2020, the Court advised Mr. Dean of his rights and provided him with a copy of the petition.
2. At the Initial hearing on August 18, 2020, Mr. Dean waived his right to a preliminary hearing.
3. At the Final Revocation hearing, the parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
4. After being placed under oath, Mr. Dean admitted Violation 2. (Docket No. 119)

5. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 2 **“The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.”**

On June 22, 2020, U.S. Probation Officer Andrea Hillgoth instructed Mr. Dean to leave his ex-girlfriend, M.C., alone and cease all further contact. Since then, he has continued to try and contact her. After learning of her new residence, he went to her new home and left unwanted items for her.

6. The Government orally moved to withdraw Violation Number 1, and the same was GRANTED.

7. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.

8. The parties jointly recommended Mr. Dean's supervised release be revoked. He shall be placed on supervised release for one (1) year. The previously imposed conditions of supervised release remain in place with the addition of the following conditions: Defendant is placed on GPS monitoring for 3 months beginning today. Defendant shall see a mental health clinician and follow any recommendations for treatment. Defendant shall have no contact with the victim identified in Violation No. 1, except through court proceedings.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the petition, that his supervised release should be REVOKED as follows:

Mr. Dean shall be returned to supervised release for one (1) year. The previously imposed conditions of supervised remain in place, with the addition of the following conditions:

- a. Defendant is placed on GPS monitoring for three (3) months beginning on today's date.
- b. Defendant shall see a mental health clinician and follow any recommendations for treatment.
- c. Defendant shall have no contact with the victim identified in Violation No. 1, except through court proceedings.

In addition to the mandatory conditions of supervision, it is recommended the following conditions shall be re-imposed to assist the probation officer in supervising Mr. Dean and to ensure the safety of the community.

You shall report to the probation officer in a manner and frequency directed by the court or probation officer.

You shall permit a probation officer to visit you at a reasonable time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.

You shall not knowingly leave the judicial district without the permission of the court or probation officer.

You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.

You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.

You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.

You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.

You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.

You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.

You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.

You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.

Considering the nature and circumstances, a search condition would assist the probation office in attempts to monitor Mr. Dean.

You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary.

You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.

Substance abuse treatment, testing, and abstinence conditions are recommended to detect illegal drug use and ensure Mr. Dean is provided tools to prevent drug use.

You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You shall pay some or all of the costs of such treatment, if financially able.

You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.

You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall pay some or all of the costs of testing, if financially able. You shall not attempt to obstruct or tamper with the testing methods.

You shall not use or possess alcohol.

You shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, Spice, glue, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.

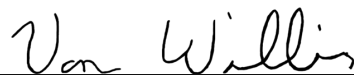
You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution.

You shall not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

The defendant acknowledged that he understood the above conditions.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 9/10/2020

A handwritten signature in cursive script, appearing to read "Van Willis", is written above a horizontal line.

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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